

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *Ag* D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TENN. MEMPHIS

UNITED STATES OF AMERICA

vs.

Criminal No. 05-20010-B

ALBERT KIN LEE

ORDER

This cause came on to be heard this date upon written waiver of jury trial heretofore filed by the Defendant, upon oral response of the United States, and upon the entire record in this cause;

IT SATISFACTORILY APPEARING TO THE COURT

1. Rule 23, Fed. R. Crim. P. provides, in pertinent part:

(a) **Jury Trial.** If the defendant is entitled to a jury trial, the trial must be by jury unless:

- (1) the defendant waives a jury trial in writing;
- (2) the government consents; and
- (3) the court approves.

2. Criminal defendants may waive their right to a jury trial upon meeting four requirements: (1) the waiver must be in writing; (2) the government must consent to the waiver; (3) the trial court must approve the waiver; and (4) the defendant's waiver must

This document entered on the docket sheet in compliance
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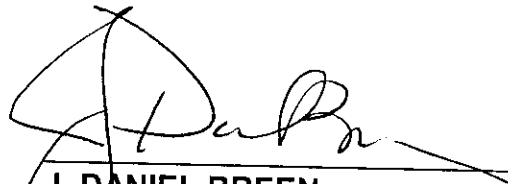
(61)

be voluntary, knowing and intelligent. United States v. Sammons, 918 F.2d 592, 596 (6th Cir. 1990); United States v. Martin, 704 F.2d 267, 271 (6th Cir. 1983).

3. The United States has stated to the Court that it believes that this cause should be tried before a jury and, therefore, does not consent to waiver of a jury.

IT IS THEREFORE ORDERED that this case will be tried before a jury.

Enter this 3rd day of November, 2005.


J. DANIEL BREEN
United States District Judge



Notice of Distribution

This notice confirms a copy of the document docketed as number 61 in case 2:05-CR-20010 was distributed by fax, mail, or direct printing on November 4, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT